

REMARKS

Upon entry of the present amendment, Claims 1-4 and 6-16 are pending in the application, of which claims 1, 8-11 and 13 are independent. Applicant has added new claims 9-16 herein.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

After careful consideration of the objections and rejections set forth in the Office Action, applicant respectfully submits that as amended, each of claims 1-16 patentably distinguishes over the art of record. Applicant therefore requests allowance of all pending claims, as discussed further below.

In the Drawings:

In item 2 of the above-identified Office Action, the Examiner objected to the drawings as not showing every feature of the invention specified in the claims. The Examiner noted that the drain holes recited in claim 5 did not appear in any of the drawings. The applicant has canceled claim 5 herein, and thus the objection to the drawings has been overcome.

In the Claims:**Claim Objections**

In item 3 of the above-identified Office Action, the Examiner objected to claim 5, stating that the recitation of "the horizontal surface thereof" has no clear antecedent. The applicant has canceled claim 5 herein, and thus the objection to the claim has been rendered moot.

Claim rejections -- 35 USC 102

In item 5 of the above-identified Office Action, the Examiner rejected Claims 1, 2, and 8 under 35 USC 102 (b) as anticipated by Nishida (US 4,664,054). The Examiner stated that a battery 27, strap 26, and tray supporting the battery are shown.

Applicant respectfully submits that clear differences exist between the disclosure of Nishida and the applicant's invention. The applicant has amended claims 1 and 8 herein to more clearly recite the novel aspects of the invention. Specifically, claims 1 and 8 now specify that the contacting member of the battery mounting structure comprises a contoured alignment section for matingly engaging a corresponding surface of the drive shaft supporting box when the battery support tray is placed thereon. Claim 8 has been further amended to also require that the contoured alignment section comprises a projection which matingly engages a corresponding recess of the driveshaft support box. The amendments to claims 1 and 8 are fully supported by the specification on page 10, paragraphs 33 and 34, and by the drawings, especially FIG. 5.

Because Nishida is silent as to a battery supporting tray, and merely describes the battery 27 as being disposed within the box 13, and because the figures of Nishida disclose battery 27 resting on a 'tray' whose contact with box 13 is a continuous flat surface, rather than the corresponding contoured alignment structures claimed by applicant, claims 1 and 8, as amended herein, are in condition for allowance.

Claim rejections -- 35 USC 103

In item 7 of the above-identified Office Action, the Examiner rejected claims 3 and 4 under 35 USC 103(a) as being unpatentable over Nishida in view of Lavanture (6,521,371). The Examiner states that Nishida does not disclose structure for accommodating any one of a number of different size batteries, and that Lavanture discloses such structures in adapters 30. The

Examiner further states that Nishida does not disclose a plurality of hooks to receive securing straps thereon, and notes that Lavanture discloses hooks 46. It is the Examiner's position that it would have been obvious to provide adaptors as taught by Lavanture, and to provide hooks similar to those taught by Lavanture to the invention disclosed by Nishida.

The applicant disagrees with this rejection since claims 3 and 4 depend from claim 1, and claim 1, as amended herein, avoids rejection in view of the cited prior art. Thus claims 3 and 4 are also in condition for allowance.

As further regards claim 4, the applicant respectfully disagrees that Lavanture discloses a plurality of hooks. Rather, Lavanture discloses tie down members 46 formed generally in the shape of a loop by elements 40' and 47 to create a channel 48 which receives a belt 108. The applicant submits that a loop shaped structure as taught by Lavanture does not make obvious a hook, as recited by the applicant in claim 4.

In item 8 of the Office Action, the Examiner rejected claim 5 under 35 USC 103(a) as being unpatentable over Nishida in view of Vaishnav et al. (US 6,439,329). Claim 5 has been canceled herein, and this ground of rejection no longer applies.

In item 9 of the Office Action, the Examiner rejected claims 6 and 7 under 35 USC 103(a) as unpatentable over Nishida in view of Bienenstein, Jr. The Examiner stated that Nishida does not disclose the platform section and reinforcing ribs, and notes that Bienenstein, Jr. has a platform 61 for holding a fuse box and reinforcing ribs for the platform. The Examiner states it would have been obvious to provide a similar platform and ribs to the tray of Nishida.

The applicant disagrees with this rejection. Claim 6 has been amended herein to specify that the platform section is configured to support a magnet box thereon. The fuse box support of Bienenstein is not configured to support a magnet box thereon. Moreover, since claims 6 and 7

depend from claim 1, and since claim 1, as amended herein, avoids rejection in view of the cited prior art, claims 6 and 7 are also in condition for allowance.

Other Matters

New claims 9-16 have been added to the application to more particularly point out and distinctly claim the invention. New claim 9 is an independent method claim, and specifies that the battery mounting structure is placed in the watercraft such that a first part of the battery mounting structure rests on top of the drive shaft supporting box, and a second part of the battery mounting structure rests on top of an interior surface of a hull of the watercraft (spanning structure).

New claim 10 is an independent claim directed to a small watercraft, including some features having limitations similar to those of claim 1, and also recites that a first portion of the support tray rests on the drive shaft box and a second portion of the support tray rests on a portion of the hull (spanning structure).

New claim 11 is an independent claim directed to a small watercraft, including some features having limitations similar to those of claim 1, and also recites that the contacting member comprises a contoured alignment section which matingly engages a corresponding surface of the drive shaft supporting box, the contoured alignment section comprising a projection extending outwardly on a bottom surface of the support tray, which is received within a recess formed in the drive shaft box.

New claim 12 depends from claim 11, and recites that a first portion of the support tray rests on the drive shaft box and a second portion of the support tray rests on a portion of the hull (spanning structure).

New independent claim 13 is directed to a battery mounting structure, and includes some limitations similar to those of claim 1, with the further added requirement that the contacting member comprises a contoured alignment section which matingly engages a corresponding surface of the drive shaft supporting box, the contoured alignment section comprising a projection extending outwardly on a bottom surface of the support tray, which is received within a recess formed in the drive shaft box.

Claim 14 depends from claim 13, and adds a further limitation that the claimed structure includes a platform section integrally formed with the battery tray and configured to support a magnet box thereon.

New claims 15-16 depend directly or indirectly from claim 1, and add further limitations thereto.

All new claims are fully supported by the specification, and no new matter has been added to the application. All new claims include patentable subject matter which distinguishes over the cited prior art references.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expedite prosecution of the application, and to resolve any remaining issues.

The Commissioner is authorized to charge \$600.00 for three new independent claims in excess of three, to charge any deficiency which may be required during the entire pendency of the application, and to credit any excess paid during the entire pendency of the application, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

Favorable consideration is respectfully requested.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to the United States Patent and Trademark Office on December 24, 2004, at the number (703) 872-9306.



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